



Reflections on a Drug-Related Murder at Purdue University

by William DeJong, Ph.D.

Last fall a Purdue University student shot and killed his dormitory counselor, an upperclassman who served as the student's resident supervisor, and then took his own life. Press reports indicated that, earlier that same week, the counselor had found cocaine in the younger student's possession and reported that discovery to university officials.

This tragic news out of West Lafayette, Indiana was a startling reminder that cocaine and other drug use, not just binge drinking, is a significant problem on college campuses across the country. Unfortunately, while prevention coordinators and other higher education officials are exploring fresh ideas for combating alcohol consumption, new proposals on how to prevent other drug use are lacking.

The murder at Purdue resulted in part from an open disclosure rule that allowed the accused student to learn immediately who had turned him in. At a minimum, then, Purdue officials need to implement new procedures to protect the safety of their dormitory counselors or other students who inform college authorities about fellow students who are possessing, selling, or using illicit drugs.

A more profound issue raised by this case is whether college and university officials should continue to handle illicit drug cases "in house" or should instead rely on local law enforcement authorities.

Consider what would have happened if Purdue's policies had required the dormitory counselor to call or notify local police instead of school officials. The West Lafayette police would know enough to keep an informant's identity a secret while conducting their investigation. And had the case gone to trial, it would have been on the basis of new evidence collected by the police, not the informant's original accusation.

Most college officials do not condone illicit drug use, nor can they given recent Federal regulations issued under the Drug-Free Schools and Campuses Act. Even so, many administrators hesitate to implement a "zero tolerance" policy that would bring their school into partnership with law enforcement agencies and make criminal prosecution of drug cases a mainstay of school policy.

Such a "zero tolerance" policy may strike some college administrators as excessively harsh, but the question must be raised: To the extent that current school policies divert cases involving illicit drugs away from the criminal justice system, are colleges properly supervising and protecting their students? Related to that, are the colleges increasing their risk of civil liability?

The courts have endorsed a shift from the doctrine of in loco parentis, rejecting the view that colleges themselves have a duty to police the private behavior of their students. At the same time, however, recent case law has made clear that, as property owners, colleges have a legal duty to maintain a safe campus. This does not mean that colleges are expected to ensure the safety of everyone who comes onto campus. Nor does it mean a return of the in loco parentis doctrine or room checks and other intrusive measures to control student substance use, especially when that behavior occurs in private residences.

What this legal duty does mean, however, is that colleges must take reasonable protective measures to deal with dangerous situations on campus, including students' possession, sale, or use of illicit drugs. One implication of recent case law is that, once school officials become aware of a violation of law, they are legally bound to take appropriate action. A failure to do so could be construed as a failure to take reasonable measures for providing a safe campus, thereby opening the school to civil liability.

Are colleges taking appropriate action if they do not require school officials, faculty, or students to go to local police with information about illegal drug activity? Are they taking appropriate action if they divert these cases from the criminal justice system and try to handle them "in house"? In my view, they are not.

There is concern among academic officials about a recent upsurge in illicit drug use among high school students, who are now beginning to enter the college ranks. Colleges and universities must continue their education programs to reinforce the lessons students have learned since primary school about the dangers of drug use. But all of us in higher education must also make clear that college campuses are not privileged sanctuaries where the laws that affect ordinary citizens do not apply.

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